



Connecticut Business & Industry Association

**Testimony Of
Kyra P. Nesteriak
Government Affairs Manager
Before The
Labor & Public Employees Committee
Legislative Office Building
Hartford, Connecticut
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Good afternoon, my name is Kyra Nesteriak and I am government affairs manager for the Connecticut Business and Industry Association (CBIA). CBIA represents approximately 10,000 companies across the state of Connecticut, ranging from large corporations to small businesses with one or two employees. The vast majority of our members have fewer than 50 employees.

I am here on behalf of CBIA to express our **opposition to HB 5740 An Act Concerning Ergonomics and Workplace Safety**, which places significant and unrealistic burdens on Connecticut employers and their safety committees. The measure does so by requiring employers, through their safety and health committees, to:

1. Review and analyze private employee medical records to determine whether there is a pattern of ergonomic-related injuries or illnesses;
2. Review and analyze jobs/work tasks to identify potential ergonomic risks that contribute to musculoskeletal disorders (MSDs);
3. Seek input about ergonomic problems by reviewing complaints, interviewing employees, conducting surveys or distributing questionnaires; and
4. Develop a written ergonomics policy that sets forth:
 - procedures for joint evaluation of the extent and cause of any work-related ergonomic issues and to make improvements in job design;
 - procedures for providing ergonomics training in order to prevent or minimize MSDs; and
 - incentives for employees to report early symptoms of MSDs.

Requiring employers to have company safety and health committees — which are composed of a mix of management and staff — review and analyze private employee injury and illness records such as group health insurance records and absentee and turnover records is a violation of current state and federal medical privacy laws. Most employers do not have health insurance records. For those employers who do have information at their facility peoples privacy would be violated especially at small and mid-sized companies where disguising someone's identity can be extremely difficult given the small group of people who are working together.

Safety and Health Committees may have a medical professional or an engineer on the group but the overwhelming majority of committees have no one with ergonomics expertise. Therefore, the safety and health committee's ability to review files, analyze jobs or the myriad other responsibilities imposed by this bill are unrealistic. With little professional training or expertise in ergonomics, engineering or medicine these safety and health committees simply do not have the ability to determine ergonomic risks that may contribute to MSDs.

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The issue of ergonomics is so complex that OSHA established a national, blue-ribbon panel of experts to develop federal ergonomics guidelines for the workplace. The 15-member National Advisory Committee on Ergonomics (NACE) includes representatives of labor, industry, academia, legal and medical professions. Among NACE's members are professors of medicine, occupational health professionals, a professor of industrial engineering, and safety and health specialists. NACE has the training, and expertise to develop practical, national guidelines for reducing ergonomic-related injuries and illnesses in the workplace; and other ergonomics experts provide employers with guidance on how to prevent or reduce the risk of ergonomic problems.

NACE was established in January 2003 and their charter ended in November 2004. During their tenure NACE comprised a series of recommendations. Some have been implemented and some are in progress.

HB 5740 ignores the need for expertise in this area and would hand that critical responsibility of performing risk analysis, reviewing medical records and more, over to safety and health committees, very few of which have any members that have developed expertise in ergonomics. Giving members of company safety and health committees training adequate to the task of reviewing and analyzing medical records, job analysis and writing ergonomic guidelines would be an enormous expense of time and money — akin to building second careers for those committee members.

Ergonomics is a very important issue for all Connecticut businesses, because employees are their most valuable assets. That's why Connecticut employers are looking to NACE, as a federal panel of ergonomics experts capable of developing the most informed and scientifically based guidelines, and other ergonomics experts to help them address ergonomics issues in the workplace.

Furthermore, 1993 Connecticut employers, who did not have a safety program in place, were required to establish safety and health committees to develop safer workplaces and address safety and health issues as they were identified. Most safety and health committees' utilize safety and health professionals to help them address issues that require expertise when it doesn't exist on the team; ergonomics is one area where outside expertise is sought on a regular basis.

Ergonomics is already one of the issues discussed by the safety and health committees, but it is important to remember that it is not the only safety and health issues that employers and employees face. Furthermore, ergonomic issues do not exist to the same extent in every industry. Requiring all safety and health committees to spend significantly more time on ergonomics may very well negatively impact an overall safety program.

HB 5740 is an expensive measure and naïve in its attempt to address a complex issue that will constantly change as science and products are developed. Connecticut is already a high cost state to do business. Additionally, Connecticut's economy has lagged behind the national recovery and cannot withstand additional tax or cost increases. Supporting a better business climate by reducing the high costs of doing business in the state is what is needed to reinvigorate our economy and help make Connecticut a leader in job creation.

Therefore, we respectfully ask the committee to reject HB 5740, which would add an additional cost burden to Connecticut employers without improving the overall safety and health conditions at Connecticut workplaces.

Thank you for the opportunity to comment.